11/10/70

Dear Tom,

Driving home something occurred to me that I wish had come to mind while we were talking. I hope you will not regard this as presumptuous, nor or any subtle, ulterior purpose. I am not trying to suggest that you do anything other than what you think is right or required. But there is, as I see it, a consideration of which you may be unaware.

When you said you would consult Justice, I merely told you the advance indications of the answer, based on the record, and that I think it will be counterproductive.

More than this may figure in any advice you may get. On the basis of what I know and believe, two things will occur to those who have their own records to be concerned with.

First of all, the memo covers a transaction that is in part illegal. I have known this, as I told you, for more than four years. Somebody gave away government property. I touched on this briefly. There is no authority for this. It is not something that can properly and legally be ordered done by anyone, either. That somebody was in your agency, which thereby is involved. Illegalities in this area began almost immediately (and I am not questioning motives, particularly not Kellerman's). At the latest, these began at the Naval Hospital.

Once this may have rested upon my opinion and my non-lawyer's interpretation of those laws and regulations of which I am aware. Now it has been the subject of a judicial determination of fact. If you'd like I'll take you to the court record. It is little known, but it is in Washington.

The answer I showed you today in Civil Action 2569-70 is the closest thing to a competent legal paper prepared in all the suits I've filed and all the preliminaries to others, and it is ridiculous. Justice's record would disgrace a self-respecting, first-year law student. I have invited you to examine my files. You can consult less, if you want to, in Federal District Court in Washington. The once case decided is 718-70. They talked the way they will talk to you, but in the last minute they capitulated. In giving me what they sought, which they knew they had to to begin with, they couldn't even do that well. Instead they committed contemp and perjury-needlessly -with no possibility of any gain from either. Not one of their moves succeeded. Not one of their many letters is truthful. They made a record they immediately switched on in my next suit, #2301-70 and, as you can see, actually did this in the name of the Attorney General himself. You will find that to counter their false interpretation of the exact same point of the law, I filed the Attorney General letter saying exactly the opposite. The affidavit to which I referred today is a supplement to their motion in this case. You really should read it.

You may or may not feel you can trust my judgement and my opinion, but I offer it. There is some consternation there over my suits, and I have every reason to believe it will be increasing. They have done very poorly. I think they would find any goat welcome. I think, particularly with all that Justice has withheld, including from the Commission (I have some cases in which the Commission caught them and complained), they would, additionally, be happy for the spotlight to focus on another agency. Especially if there is any suggestion of scandal or illegality.

There is another [illegible] told you. Sincerely,